

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant	Herbert Huettlin
Application No. 10/823,926	Filing Date: April 14, 2004
Title of Application:	Process and Apparatus for Treating Particulate a Material
Confirmation No. 5298	Art Unit: 1734
Examiner	Laura Edwards

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Response to Notification of Non-Compliant Appeal Brief**

Dear Sir:

A notification of non-compliant appeal brief to the appeal brief filed on October 28, 2008 was mailed on November 14, 2008. The notification stated that the summary of claimed subject matter erroneously listed allowed claims and should only list claims on appeal. The notification stated that a replacement to only this section is required and not the entire brief. In accordance with the notification's request, Appellant encloses a replacement section (v) Summary of Claimed Subject Matter.

## **(v) Summary Of Claimed Subject Matter**

### Independent Claim 7

Claim 7 is directed toward an apparatus (10) for treating a particulate material (12) comprising a container (14) with a base (18), an upright wall (16) widening in an upward direction, and a deflection element (20) adjoining the upright wall (16) in an upper region (28) of the container (14) in order to deflect a direction of movement of the material. (p. 18, par. [0078-0081], Fig. 1). The upright wall (16) is rotatable about a vertical axis (22) of rotation. (p. 18, par. [0081], Fig. 1). The apparatus (10) has an opening (136) for placing particulate material in to the container (14). (p. 25, par. [00116], p. 28, par. [00126], Fig. 1, Fig. 3). The apparatus (10) has a first air gap (34, 36) in an upper portion (28) of the wall that transitions from the upright wall (16) to the deflection element (20, 52, 56). (p. 19, par. [0086], p. 20, par. [0089], [0093], Fig. 1, Fig. 2). The apparatus (10) has an air feed device (38, 40, 42) for feeding an air stream (44, 46) through the first air gap (34, 36) into the container (14). (p. 19, par. [0087], Fig. 1, Fig. 2). Either the first air gap (34, 36) or the air feed device (38, 40, 42) are configured such that the air stream (44, 46) introduced through the first air gap (34, 36) has a flow component (48, 50) oriented substantially in an upward direction and, in a region adjoining the air gap, oriented substantially tangentially with respect to at least one of the wall and the deflection element. (p. 4-5, par. [0014], p. 19-20, par. [0088], Fig. 1, Fig. 2).

### Dependent Claim 31

Claim 31 is directed toward an apparatus (10) for treating a particulate material (12) comprising a container (14) with a base (18), an upright wall (16) widening in an upward direction, and a deflection element (20) adjoining the upright wall (16) in an upper region

(28) of the container (14) in order to deflect a direction of movement of the material. (p. 18, par. [0078-0081], Fig. 1). The upright wall (16) is rotatable about a vertical axis (22) of rotation. (p. 18, par. [0081], Fig. 1). The apparatus (10) has an opening (136) for placing particulate material in to the container (14). (p. 25, par. [00116], p. 28, par. [00126], Fig. 1, Fig. 3). The apparatus (10) has a first air gap (34) in an upper portion (28) of the wall that transitions from the upright wall (16) to the deflection element (20, 52, 56). (p. 19, par. [0086], p. 20, par. [0089], [0093], Fig. 1, Fig. 2). The apparatus (10) has an air feed device (38, 40) for feeding an air stream (44) through the first air gap (34) into the container (14). (p. 19, par. [0087], Fig. 1, Fig. 2). Either the first air gap (34) or the air feed device (38, 40) are configured such that the air stream (44) introduced through the first air gap (34) has a flow component (48) oriented substantially in an upward direction and, in a region adjoining the air gap, oriented substantially tangentially with respect to at least one of the wall and the deflection element. (p. 4-5, par. [0014], p. 19-20, par. [0088], Fig. 1, Fig. 2). The apparatus a second air gap (36) which is spaced apart vertically from the first air gap (34). (p. 19, par. [0086], Fig. 1, Fig. 2). The air feed device has a first feed duct (40) for feeding a first air stream (44) to said first air gap (34), and at least a second feed duct (42), separated from said first feed duct (40), for feeding a second air stream (46) to said second air gap (36). (p. 19, par. [0087], Fig. 1, Fig. 2). Further, at least one of the second air gap (36) and said air feed device (38, 42) being configured such that an air stream (46) fed in by said air feed device (38, 42) has a flow component (50) oriented substantially in an upward direction and, in a region adjoining said second air gap, oriented substantially tangentially with respect to at least one of said wall and said deflection element. (p. 19-20, par. [0088], Fig. 1, Fig. 2).

#### Independent Claim 35

Claim 35 is directed toward an apparatus (10) for treating a particulate material (12) comprising a container (14) with a base (18), an upright wall (16) widening in an upward direction, and a deflection element (20) adjoining the upright wall (16) in an upper region

(28) of the container (14) in order to deflect a direction of movement of the material. (p. 18, par. [0078-0081], Fig. 1). The upright wall (16) is rotatable about a vertical axis (22) of rotation. (p. 18, par. [0081], Fig. 1). The apparatus (10) has an opening (136) for placing particulate material in to the container (14). (p. 25, par. [00116], p. 28, par. [00126], Fig. 1, Fig. 3). The apparatus (10) has a first air gap (34, 36) in an upper portion (28) of the wall that transitions from the upright wall (16) to the deflection element (20, 52, 56). (p. 19, par. [0086], p. 20, par. [0089], [0093], Fig. 1, Fig. 2). The first air gap (34, 36) forms either an interrupted or uninterrupted annular gap that encompasses the vertical axis of rotation. (p. 6, par. [0017], p. 20, par. [0090], p. 22, par. [00101], Fig. 1, Fig. 2). The apparatus (10) has an air feed device (38, 40, 42) for feeding an air stream (44, 46) through the first air gap (34, 36) into the container (14). (p. 19, par. [0087], Fig. 1, Fig. 2). Either the first air gap (34, 36) or the air feed device (38, 40, 42) are configured such that the air stream (44, 46) introduced through the first air gap (34, 36) has a flow component (48, 50) oriented substantially in an upward direction and, in a region adjoining the air gap, oriented substantially tangentially with respect to at least one of the wall and the deflection element. (p. 4-5, par. [0014], p. 19-20, par. [0088], Fig. 1, Fig. 2).

Respectfully submitted,

/Wesley W. Whitmyer, Jr./

December 10, 2008

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